



Land Use and Zoning Meeting Minutes

April 24, 2014

STAFF:	David Radachy
DATE:	April 24, 2014

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Constantine, Falcone, Hanford, Klco, Morse, Terriaco and Welch and Ms. Malec. Staff: David Radachy.

No public comments were made.

Mr. Radachy stated that there were four cases this evening, all from Painesville Township.

Painesville Township – District Amendment, 22.095 Acres R-1 and B-1 to R-4

Staff stated that the property that the zoning district change was being asked for is located on Mentor Avenue in western Painesville Township. He showed Fairfield Road and Mentor Avenue on an airphoto of the site. Staff stated that request involves 22.095 acres of land and it involves three parcels, two of which were occupied by single family units and one that is vacant. Staff also showed the zoning map and how the land in the front was zoned B-1 and the land in the rear was zoned R-1. Staff also showed a land use map of the area and there were several condominiums in the general area and the land being consider for rezoning was being shown as agriculture because it was formally a nursery.

Staff proceeded to show the Comprehensive plan map of the site. The Comprehensive Plan showed the site as possible park location. Staff stated there was limited openspace in that part of the Township. The only areas of openspace were located at Hadden Elementary School and the Fair Grounds. There were comments from the Committee on the fact that Painesville Township does not own any parks. Staff stated that Painesville Township owed Painesville Township Park and they discussed the validity of that statement. It was agreed upon that Painesville Township Park Trustees own the park, but it was managed by Lake Metroparks.

Staff pointed out a housing chart in the staff report that 70.8% of Painesville Township is single family homes and 25% was attached or 2 or more units in building housing units. Of that 25%, 12% was in the style being proposed. Staff stated that Painesville Township was dominated by single-family units over all, but if you look at Census Tract 2047, the area this proposal is located, 46.4% of the tract is multi-family units. 59.5% of the attached single-family housing units in the Township are located in this tract and only 40.5% are located in the other three tracts. Staff went over other goals and objectives from the housing section of the Painesville Township Comprehensive Plan.

Staff mentioned that this part of the Township is reasonably served by Laketran. Laketran Route 1 goes down Mentor Avenue, right in front of the site. Staff stated that the marketing plan provided by Redwood Acquisitions LLC is targeting seniors and empty nesters. Staff stated that this was a marketing plan and the development is not a senior community. The developer is targeting seniors, but their application on their website has a minimum age of 21 years in order to apply for an apartment.

Staff stated that they looked at a couple of other things. While reviewing the request, the first thing they looked at was “does the request conform to the comprehensive plan?” Staff stated “no”. He said that the Comprehensive Plan acknowledged that single family may not work there on the site because of its shape, but the Comprehensive Plan recommended developing the site as PUD, which has greater open space requirements and the Township would have greater control.

Staff stated that sometimes we can vary from the Comprehensive Plan the further you get away from the adoption date or if something has changed since the Plan was adopted. This Plan was adopted in 2007, so it is only six years old and nothing really has changed since it was adopted. The committee ask how often a plan should be updated. Staff stated that it should be 5 to 7 years, no longer than 10 years.

The Committee asked about the number of driveways and roads in the general area. Staff stated that ODOT controls access to site. They could force the development to get an easement from the adjacent condominium complex in order to connect.

Staff recommended that the district amendment not be made because it does not conform to the Comprehensive Plan.

Mr. Klco made the motion to accept staff’s recommendation for the Township not to make the district change.

Mr. Terriaco seconded the motion.

The committee had further discussion on the motion. The committee noted in the staff report that language stated that the buffers were larger against the condominiums and not against the single family units. They were concerned that this was going to be part of the recommendation. Staff noted that he confused the single family units on Knightsbridge as condominiums. He will correct the issue on the staff report. It is not part of the recommendation.

All voted “Aye”.

Motion passed.

Painesville Township – Text Amendment to Sections 4.01, 6.02 and Creation of Section 37

Staff stated that Painesville Township was revising section 4.01 by changing the word “minor” to “unclassified” in reference to the misdemeanor. Staff stated they were deleting the words, “for a period of more than fifteen (15) days,” from the first sentence in Section 6.02(F). This is in reference to the period someone can have an unlicensed or inoperable vehicle on their land. This would take the time period from 15 days to zero days.

Staff stated that the Township was creating a new section 37, which is an accelerated variance procedure for a reasonable accommodation. The Township needs to provide reasonable accommodations for the disabled. When a variance is required for something like a wheelchair ramp, requiring the applicant to wait the 30 days in order to gain access to their home may not be considered to be a reasonable accommodation. This process may help solve this issue. The Zoning Inspector would be allowed to issue a permit on projects that are cut and dry based on it still going to the BZA for final approval.

Staff recommended that section 4.01 and 6.02 be accepted as submitted, and Section 37 be moved to Section 9, Board of Zoning Appeals. Staff stated that Section 9 also needs a review. It states that the powers of the Board of Zoning Appeals are in the ORC. But the ORC states the Board of Zoning Appeals may exercise certain powers.

Mr. Morse made a motion to accept staff recommendations to approve Sections 4.01 and 6.02 and staff's recommendation to move Section 37 to Section 9 and review Section 9 to make sure it conforms to the ORC.

Mr. Welch seconded the motion.

All voted "Aye".

Motion to amend passed.

Staff stated there was no new business, no old business and no public comment.

The meeting adjourned at 7:15 PM.